

#3

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER GRIFH 52699	
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (If known, see 37 CFR 1.5 09/763,392	
INTERNATIONAL APPLICATION NO. PCT/AU99/00684		INTERNATIONAL FILING DATE 20 August 1999		PRIORITY DATE CLAIMED 20 August 1998	
TITLE OF INVENTION GOODS/SERVICES REQUISITION AND SUPPLY SYSTEM					
APPLICANT(S) FOR DO/EO/US Gower Smith, et al.					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
<b>Items 11 to 20 below concern document(s) or information included:</b>					
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Return Postcard, Submission of Missing Requirements, Copy of Form PCT/DO/EO/905, Declarations of S. Foster, R. Collins & D. Parkhurst, Petition for Application on Behalf of Non-Signing Inventors, Request for Extension & check \$2,020.00					

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/763,392

INTERNATIONAL APPLICATION NO.

PCT/AU99/00684

ATTORNEY'S DOCKET NUMBER

GRIFH 52699

21. ☐ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. .... \$1000.00International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO. .... \$860.00International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO. .... \$710.00International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4). .... \$690.00International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4). .... \$100.00**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	- 20 =		x \$18.00	\$
Independent claims	- 3 =		x \$80.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$
<b>SUBTOTAL =</b>				\$
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$
<b>TOTAL NATIONAL FEE =</b>				\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$
<b>TOTAL FEES ENCLOSED =</b>				\$
10/09/2001 UEDWIJE 00000095 062425 09763392				Amount to be refunded:
01 FC:122 130.00 OP				charged:

SEND ALL CORRESPONDENCE TO:

David G. Parkhurst, Esq.  
FULWIDER PATTON LEE & UTECH, LLP  
HOWARD HUGHES CENTER  
6060 Center Drive - 10th Fl.  
Los Angeles, California 90045

SIGNATURE

David G. Parkhurst

NAME

29,422

REGISTRATION NUMBER

PCT  
#3

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$2,020.00)

## Complete if Known

Application Number	09/763,392
Filing Date	20 August 1999 (Int'l Filing)
First Named Inventor	Gower Smith, et al.
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	GRIFH 52699

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 06-2425  
Deposit Account Name: FULWIDER PATTON LEE & UTECHT, LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	1,890
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	130.00
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 2020.00

## SUBMITTED BY

Name (Print/Type)	David G. Parkhurst	Registration No. (Attorney/Agent)	29,422	Complete (if applicable)	Telephone	310-824-5555
Signature	<i>David G. Parkhurst</i>	Date	09-19-01			

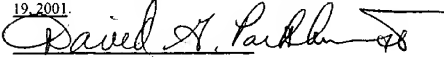
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## PATENT

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on September 19, 2001.



David G. Parkhurst, Reg. No. 29,422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	Examiner: Unassigned
Gower Smith, et al.	)	
	)	Group Art Unit: Unassigned
Application No. 09/763,392	)	
	)	Docket: GRIFH 52699
International Application No.	)	
PCT/AU99/00684	)	
	)	
International Filing Date: 20 August 1999	)	
	)	
For: GOODS/SERVICES REQUISITION	)	
AND SUPPLY SYSTEM	)	

SUBMISSION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed is a copy of a Notification of Missing Requirements Under 35

U.S.C. 371, dated March 21, 2001.

Responsive thereto, a Declaration and Power of Attorney is enclosed, along  
with a Petition for Application on behalf of Non-Signing Inventors under 37 CFR 1.47(a)

U.S. Application No. 09/763,392

and MPEP 409.03(a).

A Petition for a Five Month Extension accompanies this response.

A check covering a five month extension in the amount of \$1,890.00, and the fee for the petition under 37 CFR 1.17(h) in the amount of \$130.00, are also enclosed.

The Commissioner is authorized to charge any additional fees and credit any overpayment to Deposit Account No. 06-2425. A duplicate of this paper is attached for bookkeeping purposes.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



David G. Parkurst  
Reg. No. 29,422

DGP/rvw

Encls: Return Postcard

Copy of Notification of Missing Requirements  
Declaration and Power of Attorney  
Petition For A Five Month Extension  
Petition under Rule 47(a) and Exhibits  
Check for \$2,020.00

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Tele. No. (310) 824-5555  
Fax No. (310) 824-9696

Customer No. 24201

Missing Reg. fee upn 1 4-2001



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

#3

U.S. APPLICATION NO. 09/763392	FIRST NAMED APPLICANT SMITH	ACTY. DOCKET NO. G GRIFH-56299
INTERNATIONAL APPLICATION NO. PCT/AU99/00684		
I.A. FILING DATE 20 AUG 99		
PRIORITY DATE 20 AUG 98		
DATE MAILED: 21 MAR 2001		

RECEIVED BY DOCKET DEPT. MAR 26 2001

FULWIDER PATTON LEE & UTECHT, LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE  
TENTH FLOOR  
LOS ANGELES, CA 90045

FULWIDER PATTON LEE & UTECHT  
LOS ANGELES

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

- The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
  - ☐ a Designated Office (37 CFR 1.494),
  - ☒ an Elected Office (37 CFR 1.495):
  - ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application in:
    - ☐ a non-English language.
    - ☒ English.
  - ☐ Translation of the international application into English.
  - ☐ Oath or Declaration of inventors(s) for DO/EO/US.
  - ☐ Copy of Article 19 amendments.
  - ☐ Translation of Article 19 amendments into English.
  - ☐ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☒ Preliminary amendment(s) filed FEB 20 2001 and
  - ☐ Information Disclosure Statement(s) filed and
  - ☐ Assignment document.
  - ☐ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification filed
  - ☐ Verified Statement Claiming Small Entity Status.
  - ☒ Priority Document.
  - ☒ Copy of the International Search Report and copies of the references cited therein.
  - ☐ Other:
- The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
    - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
- Additional claim fees of \$ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

- ☐ PCT/DO/EO/917
  - ☐ PTO-875
  - ☐ Notice of Defective Translation
- FORM PCT/DO/EO/905 (December 1997)

John L. Anderson

Telephone: 703-308-9116

# FULWIDER • PATTON

INTELLECTUAL PROPERTY LAW  
LOS ANGELES LONG BEACH

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(310) 824-5555  
FAX (310) 824-9696

September 10, 2001

## *Via Registered Mail/Return Receipt*

Mr. Matthew Reardon  
Chief Financial Officer  
Energetics Pty Ltd & EnVINTA Corporation (USA)  
144 Pacific Hwy  
North Sydney, NSW 2060  
AUSTRALIA

Re: U.S. National Phase Application No. 09/763,392  
Filed: February 20, 2001 Based Upon PCT/AU99/00684  
International Filing Date: 20 August 1999  
Title: GOODS/SERVICES REQUISITION  
AND SUPPLY SYSTEM  
Assignees: Imaging Technologies Pty Limited and  
Hewlett-Packard Company  
Inventors: Gower Smith, et al.  
Our Ref. GRIFH-52699

Dear Mr. Reardon:

Referring to your email of September 6, 2001 to Stephen Foster regarding the above noted matter, please note that your assumption that it would be possible to resubmit the patent application is incorrect, since the application has been published, and this would represent an absolute bar to the refiling of the application by anyone. We therefore enclose a copy of the application and drawings as filed, along with a copy of the preliminary amendment filed February 20, 2001, and a Declaration and Power of Attorney.

EXHIBIT "A"

Mr. Matthew Reardon  
September 10, 2001  
Page 2

Please sign and date the Declaration and Power of Attorney as indicated, and return it to us as soon as possible in the enclosed, pre-paid, self addressed Federal Express envelope, in order to preserve your rights in the invention. If any corrections need to be made to the information on the document by hand, please initial them. Please feel free to contact me directly if you have any questions.

Sincerely,



David G. Parkhurst

For FULWIDER PATTON LEE & UTECHT, LLP

DGP:rvw

Enclosures:

Copy of application, drawings  
Copy of amendment of February 20, 2001  
Declaration and Power of Attorney  
Self-addressed, stamped, FedEx envelope

215555.1



## David Parkhurst

---

**From:** Stephen Foster[SMTP:steve.foster@sfo.zoomsystems.com]  
**Sent:** Monday, September 17, 2001 8:44 AM  
**To:** dparkhurst@fulpat.com  
**Subject:** Matt Reardon/Zoom Systems

-----Original Message-----

**From:** Matt Reardon [mailto:ReardonM@energetics.com.au]  
**Sent:** Sunday, September 16, 2001 7:11 PM  
**To:** 'steve.foster@zoomsystems.com'  
**Subject:** patent

Dear Steve

I acknowledge receipt of a fedex package today from Fulwider, Patton et al, and advise that I will arrange for the rights to be irrevocably assigned to Zoom Systems once the payment of \$US20,000 has been made (as previously discussed). I will be out of the office (and email) for the next two days and can be contacted on my cell phone 61 407 237 238.

Sincerely

Matt Reardon  
Chief Financial Officer  
Energetics Pty Ltd & EnVINTA Corporation (USA)  
Ph: +61 2 9929 3911  
Fax: +61 2 9929 3922  
Visit: [www.energetics.com.au](http://www.energetics.com.au) <<http://www.energetics.com.au>>  
[www.envinta.com](http://www.envinta.com) <<http://www.envinta.com>>

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URGENT MESSAGE BY FACSIMILE

Fax Number 00111 310 824 9696

19 September 2001

Mr David G Parkhurst  
Fulwider, Patton, Lee & Utecht LLP

Howard Hughes Center  
10<sup>th</sup> Floor 6060 Center Drive  
Los Angeles CA 90045

Dear Mr Parkhurst

I am in receipt of your letter dated September 10, 2001.

This letter is to formally convey my instructions that I am not prepared to offer you or anybody else my power of attorney for the purposes of dealing with this patent application reference GRIFH - 52699.

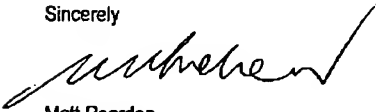
Should Zoom Systems lose its ability to proceed with this application then this is unfortunate - but is a direct consequence of Zoom Systems failure to pay my claim of \$US20,000 which has remained unpaid since claimed in September 1999.

Again, as I have expressed to your client on numerous occasions, I will effect any and all documentation to allow passage of this application, and any others in which I hold rights, only when the outstanding claim has been settled.

I also advise that I reserve my rights to alter this claim to cover any incidental and legal costs associated with settlement.

Would you please advise receipt of this fax and your intentions with respect to this application by return fax or email to [reardonm@energetics.com.au](mailto:reardonm@energetics.com.au). Alternately, I can be contacted on 61 407 237 238, if you wish to discuss this matter.

Sincerely



Matt Reardon